

01436

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

**Harry Rufford
Pres. II**

FILE: B-186867

DATE: January 10, 1977

MATTER OF: LectroMagnetics, Incorporated

DIGEST:

1. Written request for reconsideration of bid protest decision of this Office sent by certified mail is dismissed as untimely because it neither was received at GAO within ten days after protester's receipt of that decision nor was sent within the time provided for mailing certified protests.
2. Telephone conversation does not satisfy requirement for filing request for reconsideration of bid protest decision. Requests for reconsideration must be in writing.

LectroMagnetics, Incorporated (LMI) requests reconsideration of our decision LectroMagnetics, Incorporated, 56 Comp. Gen. B-186867, October 29, 1976, 76-2 CPD 371. LMI called this Office by telephone two or three working days after its receipt on November 3, 1976 of our decision, and received from the attorney who had handled its original protest advice on how to obtain reconsideration of the decision. At this time, LMI also advanced arguments concerning the substance of its protest which it may have intended as an oral request for reconsideration. Subsequently, by certified letter, postmarked November 15, 1976 and received in this Office November 19, 1976, LMI formally requested reconsideration, arguing that our decision was contrary to regulation and prior decisions of this Office.

As explained below, the request for reconsideration is dismissed as untimely filed.

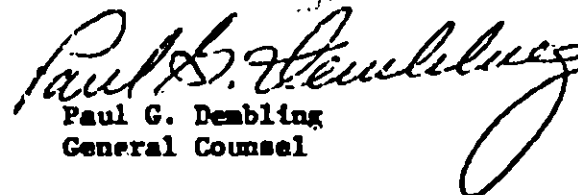
LMI had received a copy of our Bid Protest Procedures, 4 C.F.R. 20.9 (1976), by letter of July 12, 1976, following the filing of its initial protest with this Office. These procedures provide in section 20.9 that requests for reconsideration of a decision of the Comptroller General shall be filed not later than 10 working days after the basis for reconsideration is known or should have been known, whichever is earlier. While the

B-186867

term "filed" means receipt in the General Accounting Office, 4 C.F.R. § 20.9(b) (1976), the term also connotes the placing of a document among official records. Moreover, bid protest's filed with this Office must be in writing, 4 C.F.R. 20.1(b) (1976), and requests for reconsideration are subject to such bid protest procedures consistent with the need for prompt resolution of the matter. 4 C.F.R. § 20.9(c) (1976). Accordingly, the telephone communication with this Office shortly after receipt of our decision would not satisfy the requirement in our procedures for filing requests for reconsideration.

As to the protester's written request for reconsideration, the record shows that it was sent by certified mail only two days prior to the deadline for receipt here and was actually received here two days after that deadline. The written request was not sent within the time provided for mailing protests by certified mail and was not received here within ten days after the basis for reconsideration was known to the protester. 4 C.F.R. §§ 20.2(b)(3) and 20.9(b) (1976).

Accordingly, the request for reconsideration was untimely filed and is dismissed.


Paul G. Dembling
General Counsel